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*and SFM, LLC*

**UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEVADA**

BRANDON MACGAVIN, an individual,  
  
Plaintiff,  
  
vs.

Case No.: 2:23-cv-00089-APG-BNW

SF MARKETS, LLC d/b/a and a/k/a  
SPROUTS FARMERS MARKETS; SFM,  
LLC; DOES I through X; and ROE  
Corporations X through XX, inclusive,  
  
Defendants.

**STIPULATION AND ORDER TO DISMISS  
CASE AND PROCEED TO BINDING  
ARBITRATION**

Pursuant to the Court’s Order (ECF No. 7), Defendants SF Markets, LLC dba Sprouts Farmers Markets and SFM, LLC (“Defendants”) and Plaintiff Brandon MacGavin (“Plaintiff”), by and through respective counsel, hereby stipulate that the above-captioned matter be dismissed as the parties have agreed to proceed with binding arbitration.

Plaintiff’s Position: Recognizing the Circuit Split on the issue of an action’s dismissal or, alternatively, stay following the assertion of a purported arbitration agreement, Plaintiff’s counsel appreciates the efficiency of dismissal when judicial intervention is unlikely. Plaintiff’s counsel and Defendants’ counsel enjoy a professional relationship of mutual respect and in light of good faith discussions, and Defendants’ counsels’ stellar reputation, Plaintiff’s counsel does not anticipate judicial intervention in this matter is likely and therefore agrees to dismissal without prejudice as all rights, claims, and defenses in arbitration being reserved.

Thus, the parties agree that this matter is dismissed and the parties are to proceed to binding arbitration.

DATED this 2nd day of February, 2023.

DATED this 2nd day of February, 2023.

GABROY | MESSER

OGLETREE, DEAKINS, NASH, SMOAK & STEWART,  
P.C.

*/s/ Christian Gabroy*

*/s/ Dana B. Salmonson*

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**ORDER**

IT IS SO ORDERED.

  
UNITED STATES DISTRICT COURT JUDGE

February 3, 2023

DATED